

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.
HON. MARK A. GOLDSMITH
Case No. 12-CR-20287

ALEXANDRA NORWOOD, et al.,

Defendants.

/

**ORDER REGARDING DEFENDANT JOHNATHAN OLDHAM'S OBJECTION TO
CLOSING OF COURTROOM (Dkt. 606)**

On May 21, 2014, the Court held a telephonic status conference with the parties regarding the trial scheduled to begin May 27, 2014. The Court noted that, due to space constraints in the courtroom, it would be closed to the public during voir dire.

Although no counsel objected to this procedure during the telephonic status conference, Defendant Johnathan Oldham has now filed an objection, citing Presley v. Georgia, 558 U.S. 209 (2010). See Def. Obj. (Dkt. 606). In Presley, the Supreme Court noted that, barring an exception to the general rule, the accused does have a right to insist that the voir dire of the jurors be public. Presley, 558 U.S. at 213. The Supreme Court explained that the trial court must consider reasonable alternatives to closing the proceeding, and it must make findings adequate to support the closure. Id. at 213-214.

The Court is calling 81 prospective jurors for possible qualification, with the need to qualify a jury pool of 45 in light of the Court's agreement to use the Defendants' requested jury selection method, i.e., the strike method. For the voir dire portion of the trial, the courtroom must accommodate the 81 prospective jurors, plus deputy marshals, court security officers and

court personnel. As originally configured, the courtroom did not appear capable of holding any additional persons.

After receiving Defendant's objection, the Court consulted with court security personnel and has reconfigured the seating arrangements, such that a row of eight seats has been reserved for use by the public. These seats will be available to the public on a first-come, first-serve basis. Once the jury is selected, a larger section of the courtroom will become available to the public.

In this fashion, the courtroom will be open to the public, both during voir dire and thereafter, consistent with Presley. Id. at 215 (approving the reservation of one or more rows for the public).

SO ORDERED.

Dated: May 23, 2014
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 23, 2014.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager